

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 2084 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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MAHENDRABHAI CHHAGANBHAI PATEL

Versus

RAMAYANI LILADHARDAS

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Appearance:

MR Tirmizi for Petitioners

Mr M A Bukhari, APP for Respondent No. 2

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CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 04/03/97

ORAL JUDGEMENT

By way of this application under section 482 of the Criminal Procedure Code, the petitioner seeks direction to quash criminal case No.500/89 pending in the court of JMFC, Dakor. It is alleged that the petitioners are Trustees of Guruom Trust situated at Dakor. It is alleged that loot was committed by the present petitioners along with other persons in the temple of

Lord Hanumanji in Dakor on 13.2.1988. It is also alleged that foodgrains and utensils were also taken away by the petitioners. After investigation, police submitted a 'C' summary report. According to the police, the dispute was between the Trust and the pujari of the temple. However, the learned Magistrate did not accept the final report and issued process for offence under section 395 of I.P.C.

2. I have heard Mr Tirmizi, learned Advocate for the applicants. I have read the complaint. It clearly appears that there was some disputes between the pujari and the trustees. The police was absolutely right in submitting the 'C' summary report. The learned Magistrate, without considering the entire matter in its right perspective, in an arbitrary manner, has issued process. In view of the aforesaid, this Criminal Misc.Application is allowed. Criminal Case No.500/89 pending in the court of Judicial Magistrate First Class, Dakor is quashed and set aside. Rule made absolute accordingly.

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